

JORDAN ETH (CA SBN 121617)  
JEth@mofo.com  
JUDSON E. LOBDELL (CA SBN 146041)  
JLobdell@mofo.com  
ANGELA E. KLEINE (CA SBN 255643)  
AKleine@mofo.com  
MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, California 94105-2482  
Telephone: (415) 268-7000  
Facsimile: (415) 268-7522

Attorneys for Defendants SUNPOWER CORPORATION,  
THOMAS H. WERNER, DENNIS V. ARRIOLA,  
EMMANUEL T. HERNANDEZ, JOHN B. RODMAN,  
T.J. RODGERS, W. STEVE ALBRECHT, BETSY S. ATKINS,  
PATRICK WOOD, III, and UWE-ERNST BUFE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE SUNPOWER SECURITIES  
LITIGATION

Case No. CV 09-5473-RS  
(Consolidated)

**CLASS ACTION**

**[PROPOSED] ORDER GRANTING  
SUNPOWER DEFENDANTS'  
MOTION TO DISMISS PLAINTIFFS'  
FIRST AMENDED CONSOLIDATED  
COMPLAINT**

Judge: Hon. Richard Seeborg  
Courtroom: 3  
Hearing Date: August 11, 2011  
Hearing Time: 1:30 p.m.

**[PROPOSED] ORDER**

SunPower Corporation, Thomas H. Werner, Dennis V. Arriola, Emmanuel T. Hernandez, John B. Rodman, T.J. Rodgers, W. Steve Albrecht, Betsy S. Atkins, Patrick Wood, III, and Uwe-Ernst Bufe (collectively, the “SunPower Defendants”) have moved the Court, pursuant to Federal Rules of Civil Procedure 8, 9(b), 12(b)(1), and 12(b)(6), and the Private Securities Litigation Reform Act of 1995, Pub. L. No. 104-67, 109 Stat. 737 (Dec. 22, 1995), codified in relevant part at 15 U.S.C. § 78u-4 *et seq.*, to dismiss Plaintiffs’ First Amended Consolidated Complaint for Violations of the Federal Securities Laws (the “FAC”) filed on April 18, 2011, by Lead Plaintiffs Arkansas Teacher Retirement System, Första-AP Fonden, and Danske Invest Management A/S.

This matter came on for hearing on August 11, 2011, at 1:30 p.m. Having considered all the papers filed by the parties in connection with the SunPower Defendants’ Motion to Dismiss, the parties’ arguments at hearing on this matter, other matters of which the Court may properly take judicial notice, and being fully advised, and good cause appearing:

It is hereby ordered that:

FOR GOOD CAUSE SHOWN, the FAC is dismissed with prejudice.

IT IS SO ORDERED this \_\_\_\_ day of \_\_\_\_, 2011.

---

HONORABLE RICHARD SEEBORG  
UNITED STATES DISTRICT COURT JUDGE